

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

NANCY SCLAMA

Plaintiff

C.A. NO.

v.

BJ'S WHOLESALE CLUB, INC.,

Defendant

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(a) and Local Rule Cv 81, the defendant, BJ's Wholesale Club, Inc. (the "defendant"), hereby gives notice of its removal of this action from the Kent County Superior Court of Rhode Island to the United States District Court for the District of Rhode Island. In support of this Notice, the defendant respectfully states as follows:

BACKGROUND

1. By Summons and Complaint, plaintiff Nancy Sclama ("Ms. Sclama" or "Plaintiff") commenced a civil action against the defendant in Kent County Superior Court entitled Nancy Sclama v. BJ's Wholesale Club, Inc., C.A. No. PC-2022-0144 ("the Superior Court Action"). True and complete copies of the Summons and Complaint that the Plaintiff caused to be served upon the defendant are attached as **Exhibit A.**

2. Defendant was served with the Summons and Complaint in the Superior Court action on March 1, 2022 and filed its answer on March 9, 2022. The instant Notice of Removal is being filed within 30 days of the date of the defendant's receipt of the Summons and Complaint, as it has become apparent that removal is appropriate in accordance with 28 U.S.C. § 1446(b)(3).

3. The Superior Court Action is a suit of a wholly civil nature brought in the Superior Court of the State of Rhode Island, in and for Kent County. The United States District Court for the District of Rhode Island is therefore the proper forum and venue to which this action may be removed under the provisions of 28 U.S.C. §§ 101 and 1441(a).

4. This Court has original jurisdiction to entertain this action because the only parties to this case are citizens of different states and because the plaintiff claims a personal injury, the damages of which are yet to be determined, but may consist of medical expenses, lost wages and earning capacity, and pain and suffering, exclusive of interest and costs. 28 U.S.C., §§ 1332(a)(1), 1441(a). Removal of this action is not prohibited by 28 U.S.C. § 1445.

5. With respect to diversity of citizenship, the plaintiff is a resident of Naples, Florida, Collier County.

6. Defendant BJ's Wholesale Club, Inc., is a Delaware corporation having its principal place of business in Westborough, Massachusetts, County of Worcester.

7. This Notice of Removal is being filed in the District of Rhode Island, the District Court of the United States for the district and division within which the Superior Court action is pending. 28 U.S.C. § 1446(a).

WHEREFORE, Defendant respectfully request that the Superior Court action be removed and herein proceed in the United States District Court for the District of Rhode Island.

The Defendant,
BJ's Wholesale Club, Inc.,

By Their Attorneys,

/s/ Amy B. Yarbro

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, as listed below, on March 31, 2022.

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